

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MALIBU MEDIA, LLC

:

Plaintiff

:

Civil Action No. 13-1179 (FSH)

:

v.

:

JOHN DOE

ORDER

:

Defendant

:

This matter having come before the Court by way of plaintiff's motion to conduct discovery before the Rule 26(f) conference to permit plaintiff to serve subpoenas on internet service providers to obtain information about the identity of the person/entity to whom certain internet protocol addresses are assigned;

and the Court having considered the submission, the claims, and governing law;

and for the reasons set forth in the Opinion delivered on the record on March 12, 2013;¹

and for good cause shown,

IT IS ON THIS 12th day of March, 2013

ORDERED the motion to conduct discovery before the Rule 26(f) conference in the form of a subpoena to be served on the internet service provider to obtain information about the name and address of the person/entity to whom the specific internet protocol address is assigned [ECF No. 4] is granted in part. The plaintiff may serve a subpoena to obtain said information for the internet protocol address associated with John Doe. Service of the subpoena shall comply with the Federal Rules of Civil Procedure. Information obtained from the internet service provider

¹A transcript of the Opinion may be obtained by contacting King Transcription Service at 973-237-6080.

shall only be used for the purpose of this litigation and the plaintiff shall be prepared to provide copies of the responsive information to the defendant when he/she enters an appearance in this case;³

IT IS FURTHER ORDERED that the plaintiff shall present the subpoena to the issuing Court to obtain a “So Ordered” endorsement if same is requested by the internet service provider;

IT IS FURTHER ORDERED that the request that this Court enter orders concerning the costs or to compel an internet service provider to comply with the subpoena before the subpoena is served is denied; and

IT IS FURTHER ORDERED that the plaintiff shall serve a copy of this Order upon the internet service provider.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE

³ If the plaintiff files an Amended Complaint to substitute the John Doe defendant with the proper name of a defendant, then it shall ensure it has a factual basis for the assertion that such defendant engaged in the alleged acts. By permitting this discovery, the Court is not necessarily finding that plaintiff may rely solely on the fact that the person identified as the subscriber associated with the internet protocol address is in fact the person who engaged in the acts set forth in the Complaint.